

REMARKS

I. Status of the Application

Claims 1-33 were originally filed in the present case. Claims 34-44 were added in a Preliminary Amendment mailed May 14, 2004. In an Amendment accompanying the Response to Office Action mailed May 17, 2005, Applicants cancelled claims 1-44, and added claims 45-83. In an Amendment and Response to the Final Office Action of October 13, 2006 Applicants amended claims 45 – 49, 74 and 75. Claims 48, 49, 55-72, and 81-83 have been withdrawn from consideration by the Office in the Final Office Action of October 13, 2006. In the Amendment and Response to the Office Action of March 30, 2007 claim 75 was amended. In the Amendment and Response to Office Action of July 17, 2007, claims 45, 46, 73, 75, were amended, and claims 84-87 were added. In the Office Action of June 17, 2008 the Office withdrew claims 85-87 from examination. In the Amendment and Response to the Office Action of June 17, 2008 claim 84 was amended. In the present Amendment and Response to the Final Office Acton of February 20, 2009, claim 45 is amended. Therefore, claims 45-47, 50-54, 73-80 and 84 are currently pending in the application.

Applicants submit that the amended claim adds no new subject matter. Support for the amended claim can be found throughout the Specification and Drawings at, for example, page 9, lines 11-15, and page 25, line 25 to page 26, line 2.

Applicants note that all amendments of claims are made without acquiescing to any of the Office's arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG),¹ and without waiving the right to prosecute the amended claims (or similar claims) in the future.

¹ 65 Fed. Reg. 54603 (Sept. 8, 2000).

Applicants provide herewith the following interview summary to be made of record with respect to the subject application. Applicants thank the Examiner for the helpful interview (hereinafter, "Interview"). The substance of the Interview was as follows:

Participants: Michelle R. Clement (Examiner), David A. Casimir (Attorney), Kirk J. Hogan (Attorney)

Date of Interview: August 6, 2009

Interview type: Telephonic

Exhibit shown or demonstration conducted: None

Claims discussed: Independent claim 45.

Art discussed: U.S. Patent No. 2,450,712.

Agreement with respect to the claims discussed: The Examiner suggested that limiting the simultaneous visible cross-hairs of the reticles of the present claims to etched or otherwise marked cross-hairs should overcome the prior art rejections.

Identification of principal proposed amendments of a substantive nature discussed: Amendment of claim 45 to limit the simultaneous visible cross-hairs of claim 45 to etched or otherwise marked cross-hairs to distinguish the glued seams of the Brown patent.

General indication of any other pertinent matters discussed: Not applicable

General results or outcome of the Interview: The Examiner agreed to consider the currently amended claims.

In the Office Action of February 20, 2009 there are 3 rejections. The currently pending rejections are:

1. Claims 45, 46, 47, 50, 51, 53, 73, 75-80 and 84 are rejected under 35 U.S.C. 103a as allegedly being unpatentable over Reed (US Patent #4,695,161) (hereinafter "Reed") in view of Brown (US Patent #2,450,712) (hereinafter "Brown").

2. Claims 52 and 54 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Reed and Brown as applied to claims 45 and 46 above, and further in view of Wascher et al. (US Patent #5,491,546) (hereinafter “Wascher”).
3. Claim 74 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Reed and Brown as applied to claim 45 above, and further in view of Cohen (US Patent #5,375,072) (hereinafter “Cohen”).

II. Claim Rejections

A. Claims 45, 46, 47, 50, 51, 53, 73, 75-80 and 84 are not obvious over Reed in view of Brown

In the Office Action of June 17, 2008 the Office notes:

“Brown teaches a reticle comprising a plurality of simultaneously visible secondary horizontal cross-hairs intersecting at predetermined distances a simultaneously visible primary vertical cross-hair, and a plurality of simultaneously visible secondary vertical cross-hairs intersecting at predetermined distances at least some of the secondary horizontal cross-hairs. Because both references teach reticles for sighting devices, it would have been obvious to one skilled in the art to substitute one reticle for the other to achieve the predictable result of increasing the number of cross-hairs on a reticle.”
(Office Action of February 20, 2009, page 5.)

Applicants respectfully disagree. However, in order to expedite the prosecution of the present application, without acquiescing to the Office’s rejection, while reserving the right to prosecute the original claims in the future, Applicants have amended claim 45 to recite the elements “wherein said primary vertical cross hair and said secondary horizontal cross-hairs are selected from the group consisting of etched cross-hairs,

engraved cross-hairs, and printed cross-hairs”, and to recite the elements “wherein said secondary vertical cross-hairs are selected from the group consisting of etched cross-hairs, engraved cross-hairs, and printed cross-hairs”.

Applicants note that Brown fails to teach not one, but multiple elements of the presently claimed invention. Brown discloses a gunsight containing multiple reticles (*e.g.*, 36 or more reticles in a single gunsight) glued together side-by-side. None of Brown’s reticles have the recited claim elements. Even if one were to assume that Brown’s collection of reticles was a single reticle (Applicants believe that this is inappropriate for the reasons of record), the glued seams between Brown’s reticles do not teach or suggest “etched cross-hairs, engraved cross-hairs, and printed cross-hairs” as presently claimed. Reed fails to remedy these defects.

In view of the above, Applicants request that this rejection be withdrawn.

B. Claims 52 and 54 are not obvious over Reed in view of Brown and further in view of Wascher

Claims 52 and 54 depend upon independent claim 45. Applicants note that claims 52 and 54 are not obvious for at least the same reasons that claim 45 is not obvious. As discussed above, Brown fails to teach not just one but multiple elements of the presently claimed invention. Reed and Wascher fail to remedy these defects.

In view of the above, Applicants request that this rejection be withdrawn.

C. Claim 74 is not obvious over Reed and Brown and further in view of Cohen

Claim 74 depends upon independent claim 45. Applicants note that claim 74 is not obvious for at least the same reasons that claim 45 is not obvious. As discussed above, Brown fails to teach not just one but multiple elements of the presently claimed invention. Reed and Cohen fail to remedy these defects.

In view of the above, Applicants request that this rejection be withdrawn.

CONCLUSION

Should the Examiner believe that a telephone interview would aid in the prosecution of this application the Applicants encourage the Examiner to call the undersigned collect at (608) 218-6900.

Dated: August 14, 2009

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